

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Ozie L. Ware,	)	
	)	
Plaintiff,	)	
	)	C/A No.: 1:11-544-TLW
vs.	)	
	)	
Rodney Pruitt; J.E. Patsourakos,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

On March 8, 2011, Ozie Lamar Ware ("Plaintiff"), proceeding *pro se* and *in forma pauperis*, filed this civil action alleging claims pursuant to 42 U.S.C. § 1983. (Doc. # 1).

The matter now comes before this Court for review of the Report and Recommendation ("the Report") filed on September 18, 2012 by Magistrate Judge Shiva V. Hodges, to whom this case was previously assigned. (Doc. # 61). In the Report, the Magistrate Judge recommends denying Plaintiff's Motion for Default Judgment (Doc. # 46) and granting Defendants' Motion for Summary Judgment (Doc. # 49). Plaintiff filed objections to the Report on October 5, 2012. (Doc. # 63). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)  
(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court hereby **ACCEPTS** the Report. (Doc. # 61). The Plaintiff's Motion for Default Judgment is **DENIED**. (Doc. # 46). The Defendants' Motion for Summary Judgment is **GRANTED**. (Doc. # 49).

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

October 30, 2012  
Florence, South Carolina